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~~A/49/839~~
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25 January 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 112
SCALE OF ASSESSMENTS FOR THE APPORTIONMENT
OF THE EXPENSES OF THE UNITED NATIONS

SECURITY COUNCIL
Fiftieth year

Letter dated 24 January 1995 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United Nations
addressed to the Secretary-General

Upon instructions of my Government, I have the honour to inform you of the position of the Federal Republic of Yugoslavia concerning the letters dated 5 December 1994 addressed to Your Excellency by the Permanent Representatives of Croatia (A/C.5/49/48), Slovenia (A/C.5/49/46), the former Yugoslav Republic of Macedonia (A/C.5/49/47) and Bosnia and Herzegovina (A/C.5/49/49).

The views contained in the above letters to the effect that the Federal Republic of Yugoslavia is one of the five successor States is untenable from the legal point of view. As is well known, following the secession of the parts of the Yugoslav federation, the Federal Republic of Yugoslavia continued to exist in international relations as a contracted Yugoslav federation, in accordance with the relevant provisions of international law. In the light of this fact, the Federal Republic of Yugoslavia - pending the conclusion of the agreement to regulate the effects of secession from the Yugoslav federation - is the owner of the assets of the Socialist Federal Republic of Yugoslavia in the territories that seceded from the former federation.

Such a state of affairs does not in any way affect the rights of the seceded parts of the federation towards the State assets of the Socialist Federal Republic of Yugoslavia. Those rights have yet to be defined by the agreement which would regulate the consequences of the secession. Accordingly, the request that a portion of the frozen funds of the Socialist Federal Republic of Yugoslavia in foreign banks be unfrozen - in order to meet the obligations of the Yugoslav federation - is fully in compliance with the factual and legal state of affairs.

By maintaining that it has continued the legal personality of the former Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia has never pertained to be the sole successor of the former federation. Stemming from this, the Federal Republic of Yugoslavia actively participates in the negotiations on the division of assets and liabilities of the former Socialist Federal Republic of Yugoslavia which are taking place within the framework of the Working Group for Succession of the International Conference on the former Yugoslavia.

It is true that some of the funds frozen by the introduction of the sanctions regime against the Federal Republic of Yugoslavia did belong to the Socialist Federal Republic of Yugoslavia and are the subject of negotiations taking place in Geneva. However, it is equally evident that there are frozen funds which clearly solely belong to enterprises, banks and State entities from the Federal Republic of Yugoslavia and it is those funds that have been referred to in our letter to Your Excellency dated 20 October 1994 (A/C.5/49/23), requesting that they be unfrozen so that the Federal Republic of Yugoslavia can meet its obligations towards the United Nations budget.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 112, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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Corrigendum

The following correction has been requested by the Permanent Mission of Yugoslavia to the United Nations:

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Delete the first two paragraphs

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